

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

CHARLES ALLEN ARMSTRONG,

Petitioner,

vs.

PETE BLUDWORTH; ATTORNEY
GENERAL OF THE STATE OF
MONTANA,

Respondents.

CV 21-26-H-BMM-KLD

ORDER

United States Magistrate Judge Kathleen DeSoto entered her Findings and Recommendations in this case on July 27, 2021. (Doc. 5). Judge DeSoto recommended that Petitioner Charles Allen Armstrong's Petition for Writ of Habeas Corpus (Doc. 1) be DISMISSED with prejudice; that the Clerk of Court should be directed to enter by separate document a judgment of dismissal; and that a certificate of appealability should be DENIED.

Neither party filed objections to the Findings and Recommendations. The parties have waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d

422, 427 (9th Cir. 2000) (citations omitted). The Court finds no error in Judge DeSoto's Findings and Recommendations and adopts them in full.

ORDER

Accordingly, **IT IS ORDERED:**

1. Armstrong's Petition for Writ of Habeas Corpus (Doc. 1) is **DISMISSED** with prejudice.
2. The Clerk of Court is directed to enter by separate document a judgment of dismissal.
3. A certificate of appealability is **DENIED**.

DATED this 13th day of September, 2021.



Brian Morris, Chief District Judge
United States District Court